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HELP AMERICA VOTE ACT

PUBLIC HEARING

TRANSCRIPT OF PROCEEDINGS

Friday, March 27, 2003

2:15 p.m.

Butler County Courthouse

100 North Main

Poplar Bluff, Missouri

COMMITTEE MEMBERS

PRESENT: Secretary of State, Mr. Matt Blunt
 Mr. Gilbert Powers
 Mr. Charles Isbell
 Mr. Reid Forrester

1 fact that in lots of ways we move more quickly
2 than the federal government to implement
3 important measures to improve our election
4 process. A election -- before measures really
5 was based on recommendations of a bipartisan
6 commission right after I took office in January
7 of 2001. They're recommendations were enacted
8 and implemented by the legislature and in a lot
9 more quickly than the federal government, made
10 the ballot more accessible to the citizens of
11 our state.

12 At the same time, we implemented strong
13 anti-fraud measures to try and ensure we
14 wouldn't have the sort of chaos and problems
15 that existed in other parts of Missouri and in
16 November of 2000 election.

17 Of the federal mandates, we already meet
18 many of those provisional balloting orders.
19 We're very close to meeting the exact needs of
20 the federal law. The voter identification
21 requirement that we have in place fully meets
22 the needs of the federal law. Other -- other
23 things that have to -- we do have to incur,
24 though, to ensure that we're in full compliance
25 with this federal statute and also to help

1 ensure that we maximize those dollars that are
2 going to come do our state. As much as 76
3 million dollars may come to Missouri to improve
4 and enhance our election system.

5 Public testimony is very important as we
6 move forward the best way to make that happen.
7 Certainly, we have lots of local election
8 authorities that serve on -- that serve on the
9 state planning committee, and their input is
10 extremely important because they're the ones who
11 are going to execute whatever we decide must be
12 done. Public input is very important. We did
13 public testimony in 18 locations around the
14 state in early 2001. That was extremely
15 important to the list of recommendations that we
16 drafted for the -- for the legislature to
17 consider, and we helped push through the
18 legislative process. So, certainly, I would
19 encourage anybody that has comments about our
20 process or criticisms of our current process to
21 please offer that in testimony when we open that
22 up here in a moment.

23 I would ask if Charles and Reid and
24 Gilbert -- and Gil have any comments. Gil?

25 MR. POWERS: Thank you, Secretary

1 Blunt. I just want to commend Secretary Blunt
2 for his foresight to be proactive in the
3 election process. As soon as he came into
4 office, he initially -- immediately created the
5 election commission, Blunt Commission, and
6 started working on post-legislation to protect
7 the voting system and to implement improvements.

8 And then in here last year proposing some
9 legislation that was a precursor to what Help
10 America Vote has mandated us so do. It's almost
11 as if he knew or read the mind of the Senate and
12 understood the direction they were going. So it
13 seems like he -- he's headed in the right
14 direction. And, again, here he's created these
15 subcommittees to take comments on the state
16 plan.

17 I'm the co-chair along with Judy Taylor
18 of the St. Louis Election Board and also -- also
19 seated -- Randy Taylor is here, and he's also a
20 member on the equipment accessibility
21 subcommittee. The Help America Vote Act has
22 several sections in it, and we're going to be
23 focusing mainly on the -- my subcommittee is
24 mainly going to be focusing on the equipment and
25 the accessibility issues at the polling places.

1 And there are some federal funds that are coming
2 along with this Act.

3 Under Title I, there's about 325 million
4 that will be going to some of the states under
5 some form or basis. There's also some funds
6 that will be used for -- for replacing punch
7 card systems in the state. We think that about
8 ten and a half million will be earmarked just
9 for replacing card punch in Missouri. That's
10 not going to be a mandatory program, but it will
11 be there for those election districts that
12 choose to go ahead and replace punch card
13 systems. I will say if we had taken the
14 mindset, you know, 20 or 30 years ago that we
15 should all use the very same type of election
16 system, we would probably all be on card punch
17 systems right now. So this is not a mandatory
18 item, but it is there for those districts who
19 want to make those changes.

20 Under Title III, there's about three
21 billion that will have to have some matching
22 state funds to implement the state plans.
23 And that's the main thrust of these committees
24 is to make recommendations, to meet mandatory
25 requirements for Help America Vote.

1 In some of the previous public hearings
2 we've heard about the importance of being able
3 to vote unassisted in privacy and the right of
4 all citizens to cast their vote in that form.
5 And we totally agree with that. The other side
6 of this, though, also comes in that the types of
7 systems that are available for us to use to
8 allow people with different disabilities to be
9 able to vote in private. And Help America Vote
10 requires that every polling place have at least
11 one system that will allow a person regardless
12 of their handicap to be able to vote in privacy
13 unassisted. That's quite a financial burden on
14 -- on the local election -- election districts.
15 Although we have some funds that are coming with
16 Help America Vote, we've also heard testimony
17 that it won't be sufficient and we may hear more
18 of that kind of testimony today.

19 So I think I'd just stop there and wait
20 to hear your comments because as an election
21 authority, it's nice to be able to stand back
22 and hear from the public and -- and see what
23 their perceptions are and then be able to maybe
24 go back and help implement that. So I'll be
25 quiet at this time and go from there.

1 MR. BLUNT: Charles Isbell, the
2 Dunklin County clerk is also with us who serves
3 on the education subcommittee here. Charles,
4 would you like to --

5 MR. ISBELL: One of the things that
6 we were charged with is to take a look the --
7 the responsibility that we have to the voters to
8 inform them on election day. We looked at the
9 possibility of having a Voters Bill of Rights,
10 if you will. We also looked at how we could go
11 about informing the voters of some of the things
12 that they'll be encountering on election day
13 because believe is it important --when people go
14 to the polls, they're not really sure of the
15 process. They have voted for many years and the
16 laws change from year to year. So we've looked
17 at various things. One of the things we've
18 looked at is possibly maybe putting an insert in
19 the newspaper a week or two before the election
20 to -- to tell the election laws have changed or
21 something of that nature. And I'd like to hear
22 from some folks today of some things that you
23 would like to see the election authorities do in
24 your district, your area. And we would
25 implement -- that would give you information you

1 need to vote on election day.

2 MR. BLUNT: Thank you, Charles. And
3 all three of the established political parties
4 in our state, the Republican, Democrat,
5 Libertarian parties have people representing
6 them on various subcommittees of the state plan
7 committee. Somebody representing the political
8 parties is Reid Forrester. Reid, would you like
9 to a say couple words on the education
10 supplement?

11 MR. FORRESTER: That's correct.
12 Thank you, Matt. Let me first say that Matt
13 ought to be commended for putting this group
14 together. As he's already indicated to you
15 about the political party representation that's
16 on this committee, which are three major
17 parties, but also on this committee is every
18 walk of life that you could imagine from the
19 disabled to college students and alike. And, in
20 fact, one of the subcommittees that I serve on
21 is the Coworker in Training, which is trying
22 bring in college students into the process. And
23 so, you know, again, I think the voters ought to
24 be proud as well. Not just should we be proud
25 of Matt, but this process is laid out such that

1 there is input. And I guess one of the
2 surprising things so far about my experience
3 with this committee is the fact that work isn't
4 done so many times when you get asked to serve
5 on a committee like there, everything is
6 predetermined, and you just feel like you're
7 going the motions of these public hearings. But
8 as someone who has been there and seen on the
9 inside of what's going on, rest assured that
10 these public hearings is for your input, to have
11 some decision-making in what's going to take
12 place. So please feel free to share with us
13 candidly and openly so we can do your wishes.
14 Thank you.

15 MR. BLUNT: Thank you, Reid. We
16 have had public hearings around the state. I
17 have think this is the fifth of those public
18 hearings. And, certainly, very valuable to us.
19 Members that can't attend -- members of
20 committee that can't attend are given
21 transcripts of the testimony. At this time, I'd
22 like just to open it up to anybody who would
23 like to offer some -- some comments about the
24 election process or any concerns that you may
25 have.

1 MR. POWERS: I think there's some
2 sheets on the clipboard isn't there?

3 MS. VANDELICHT: Yeah. Has anyone
4 already filled out the --

5 MR. FORRESTER: They're all happy.

6 MR. BLUNT: You all are perfectly
7 satisfied with the election process as it exists
8 today in our state, correct?

9 MS. VANDELICHT: The TV camera is
10 gone. It's not at all intimidating. I'll give
11 these, and then if you -- if you have something
12 to testify to right now, please.

13 MR. FORRESTER: If I might, just
14 maybe to try and get the discussion started, my
15 county clerk is John Dunivan. And without
16 putting him on the spot, I have talked to John,
17 and, you know, the issue of -- and I know
18 there's a lot of county clerks here, so the
19 issue of the punch cards has come up and the
20 reimbursements and things like that. I guess my
21 question would be to John or any county clerk
22 here, are we satisfied with what you've heard in
23 the punch card buyout? Or is there suggestions
24 or -- or testimony that you would want to
25 provide in regards to that?

1 MS. VANDELICHT: Would you give your
2 name before you make a comment so that --

3 MR. DUNIVAN: I'm John Dunivan,
4 Butler County Clerk. And thanks, Reid, for
5 allowing me to speak first. The punch card
6 system -- Butler County drew up the punch card
7 system in '89. Prior to that, we were on paper.
8 An election in '88, it was 3:00 Wednesday
9 afternoon before we had the results in. Most
10 radio stations and TV stations within 150, 200
11 miles of my office called my office, wanted to
12 know why we didn't have the results. We are a
13 third class county. And at times we don't have
14 a lot of money. But we did purchase the punch
15 card system after looking at the optical scan,
16 and I think that was it. At that time, we only
17 had paper, optical scan and punch cards. We
18 have about \$35,000, if my memory serves me
19 right, in our punch card system. I used to say
20 we had 30 or 32,000 registered voters. We have
21 about 20 or 22,000 now because we just went
22 through them again. I have 25 precincts. We've
23 got a counter that's in good shape, and we have
24 about 150 voting sheets. Everything Butler
25 County purchased was used because we couldn't

1 afford to buy the new stuff.

2 Since we implemented the punch card
3 system, the first three to six to nine months,
4 it then moved and we really didn't have any
5 snags. But I believe there was some untrust or
6 some suspicion about it. Reid can tell you that
7 I -- and we do have all three parties in this
8 county, I may add, although the main parties
9 Republican and the Democrat party. After we got
10 used to it, I believe the punch card system
11 performed well. I believe that I -- I thought I
12 was accurate when I said that the counter
13 normally was accurate within 1 to 300,000.

14 And over the years, we've had several
15 post votes and we've did some recounts. And
16 then just recently, I think, we had a recount on
17 the state race. Only we hand-counted that, and
18 I believe that was the next item. My point, and
19 I'll shut up is right now -- and I watched what
20 happened in the Florida debacle. I'm not
21 convinced that optical scan is better or that
22 much better than my punch card system. Now, I'm
23 not saying that it's not. I'm just speaking
24 from my opinion. And if Butler County is going
25 to expend some funds, how long in the future is

1 it going to be until maybe a better system is
2 available? And I talked to several county
3 clerks over the last couple years and -- and
4 some of them that can afford it are waiting
5 until the State approves another system. Reid
6 is correct, there is some money available for
7 punch card buyout. And I believe it's 4,000 per
8 precinct. I have 25 precinct and, and I believe
9 I'm eligible for \$100,000 for Butler County.

10 I'm afraid that the system that we have
11 to purchase is going to cost three or four times
12 that. In the 103 budget, we laid off six people
13 out of the sheriff's office, and get into
14 priorities. I -- I'd love to have the nicest,
15 fanciest, most trusted, most reliable voting
16 equipment made if we could find a way to
17 purchase it and pay for it. I just wanted to
18 say if I buy if this through the next couple
19 elections, do I prorate it, charge the schools
20 or the City of Poplar Bluff a percentage of
21 that cost? I don't know. But I will sit down
22 and give somebody else a chance to talk unless
23 one of my good friends or a constituent or Reid
24 has another question of me.

25 MR. BLUNT: Those are excellent

1 comments.

2 One of the big concerns people do have is
3 purchasing new equipment. You know, there's --
4 a lot of -- I've never heard of a funded federal
5 mandate. I don't think this one's going to be a
6 funded federal mandate either. And given that,
7 you would be eligible for to a hundred thousand
8 dollars, but that's if they appropriate the full
9 amount for the buyout. If they appropriate
10 two-thirds of it, you'd be eligible for \$67,000.
11 Obviously, that's not going to buy the sort of
12 state of the art system that I'm afraid lots of
13 our fellow citizens think we're going to go to.
14 Your comments, too, about where technology is
15 going, in a couple years, there may be a better
16 system on the market lowering the cost. I do
17 think one thing Missouri did that was wise and I
18 encouraged it at the time was not to have a knee
19 jerk reaction in -- right after November 2000
20 and go out and buy a new system. Some states
21 that did that and made a big mistake.

22 There's equipment that's on the market
23 today that wasn't on the market six months ago,
24 let alone two years ago. And it's really -- the
25 unit cost of that equipment continues to

1 decline. But funding issues are paramount both
2 from local election authorities. County
3 commissioners are very concerned with -- with
4 good reason about how they're going to upgrade
5 their election equipment and with the State's
6 fiscal situation and the counter -- I'm sorry.

7 MR. DUNIVAN: And as a punch card
8 county, we're looking at the punch cards and
9 we're also looking at the ADA machines at each
10 precinct. So it's kind of a double whammy.

11 MR. BLUNT: That's right.

12 MR. POWELL: Your equipment only has
13 to be compatible -- is has to be compatible with
14 whatever ADA piece of equipment that you're
15 going to purchase.

16 MR. FORRESTER: In fact, one of the
17 things that's come out in some of the testimony
18 that's been -- at other hearings is it's
19 actually a more stringent standard than ADA.
20 That -- that, you know, reasonable accommodation
21 is under -- in the actual statute for -- when
22 you think of ADA, the actual Help America Vote
23 statute says you just shall accommodate. So
24 it's even a higher standard than -- than, you
25 know, we've all been used to as either a

1 municipality or county or even a state.

2 MR. BLUNT: We had several people
3 fill out witness forms, but I think they may
4 have just thought they were supposed to fill it
5 out because they were here.

6 MR. POWERS: We got them, didn't we?

7 MR. BLUNT: Gary Hensley from Oregon
8 County and Becky York from Ripley County, both
9 echo your comments are about funding, so I share
10 your concerns.

11 MR. HENSLEY: I'm Gary Hensley from
12 Oregon County. I filled that out, Matt. I
13 didn't know for sure that I was going to speak,
14 but it's hard on me not to speak sometimes. We
15 are on the optical scan in Oregon County, and
16 that took effect 1994. I became county clerk in
17 1995. And I am well pleased with the optical
18 scan even though we only have five machines.
19 And, of course, I handled elections -- we have
20 15 precincts. So I have each of the four
21 election judges bring their ballots in and the
22 other precincts only take four machines out
23 during the day. And I have one that -- for my
24 absentees, which is still in the courthouse. So
25 that's what we are faced with. And I have

1 brought this up -- to the Commission and I have
2 talked to one of my -- president of the school
3 boards and I talked to some of the schools. And
4 they're -- they are concerned even though, you
5 know, with federal money being proposed for and
6 this, and I've told them about the amount of
7 federal money that it is -- for schools to see
8 the federal money cutback and the cost of
9 elections are -- we are very small county.
10 We're 10,000. And I have approximately 6,400
11 registered voters and have about 23 to 43
12 percent turn out. But the cost of the elections
13 is what I'm hearing from the schools and the
14 cities is already getting a tremendous burden on
15 them with the amount of revenue that they have
16 coming in. And they automatically call me
17 whether they're thinking about putting the issue
18 on the ballot to see what it's going to cost.

19 And I have informed them if we have to
20 update and buy more equipment, the cost of the
21 elections are going to increase. And they are
22 kind of skeptical of -- because of the federal
23 money being cut back in other places. You know,
24 how much federal money are you going to have,
25 how much is it going to cost up, how much is

1 coming out of our pockets. And that's where my
2 any commissioners are coming from, too.
3 And that's one of my concerns.

4 Also -- and, of course, this don't have
5 anything to do with that particularly, but we're
6 seeing such a low percentage of turnout
7 sometimes because we're getting a higher amount
8 of registered voters due the to fact that
9 through the Motor Voter Act that we're having a
10 lower percentage. And that's another thing that
11 bothers me sometimes is the amount of work that
12 we're in -- we're increasing in the office. And
13 being a third county I only have two
14 secretaries, so, you know, we do everything
15 else. And with elections, it's becoming more
16 and more, where are we going to get all the
17 money to, you know, supplement and help me out
18 as the county clerk and hire more staff and, you
19 know, keep the cost -- the election is being
20 becoming an everyday process. Even though
21 you're not having an election, you're still
22 having a lot of turnover and you're constantly
23 going through your Motor Voter registration
24 cards. I get more every day, and I'm sure you
25 big counties get more than I do.

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MR. ISBELL: You've had optical scan
as opposed to --

MR. HENSLEY: I have the optical
scan in the four of my precincts and, of course,
the other 11 precincts, they bring them in that
night. We run them through optical scan at
courthouse that night.

MR. ISBELL: And you have a separate
counter there?

MR. HENSLEY: Yes.

MR. POWERS: Gary, do you have any
concern -- under this Help America Vote Act,
this talks about second chance voting. And it
says we can meet some of those -- we -- we think
we can meet some of that second chance voting by
education and by preparing the voter and through
programs where we educate the voter as to what
second chance voting is and help that way.
Where you have four out of fifteen -- you
actually have a machine spits out the ballots I
assume if there's an overvote or something. And
you have a concern -- do you have any concern
about that at all? I mean, the --

MR. HENSLEY: Well, what I do on the

1 over vote, I have my election judges there that
2 night. And I make sure my election judges give
3 that ballot the same opportunities that they
4 would have had if they had a voting machine at
5 their precinct. If that voting machine kicked
6 that ballot back that night, I have my judges
7 review that, and I'm standing right there with
8 them. And if it's an over vote ballot, of
9 course, we know it's an over vote. But we will
10 take and mark the ballot, fold that ballot, show
11 it as a no vote and they get to count everything
12 else that was a proper vote. Do you follow what
13 I'm saying? We cannot do nothing about the over
14 vote because we do not know the intent. The
15 judges have no way of knowing the intent of that
16 over vote. But they do have the knowledge of
17 knowing what that voter intended on the rest of
18 the ballot. Is that kind of what you're
19 referring to?

20 MR. DUNIVAN: That's one of the
21 advantages maybe of the punch card system and I
22 am biased. But if -- if you over vote, if they
23 vote for two people for county clerk, it just
24 voids that one off. The rest of the punch card
25 ballots voted automatically.

1 MR. POWELL: I guess my -- my
2 concern was for Gary was that he's giving some
3 people mechanical opportunity to actually
4 correct their ballot where 11 of those people
5 don't have that opportunity. I didn't know if
6 that was a concern of yours in light of the
7 plan --

8 MR. HENSLEY: That's another reason
9 I have my judges there that night, and we look
10 at that ballot. And me being the election
11 authority, I'll be honest with you. I'm there.
12 If any ballots kick back, I'm standing there or
13 one of my chief staff members is standing there
14 with those judges on that decision. And I tell
15 you, they -- they document everything that --
16 that -- and we did have a recount, and it was
17 done with the hand. Even though I opposed that
18 standard at first. I thought it needed to be
19 done the same way, but everything turned out
20 good. And, you know, everything -- so -- that's
21 the freedom we have, and that's -- you know, I
22 thought it -- you know --

23 MR. POWERS: Well, you've got 15
24 precincts, and for those 15 precincts you
25 probably have a pretty good knowledge of your

1 voters, who they are and what abilities they
2 have.

3 MR. HENSLEY: Yeah.

4 MR. POWELL: How many of those do
5 you think would be blind, in a need of
6 assistance from a device that would -- where
7 they'd have to use audio or some other means
8 other than visual to cast their vote?

9 MR. HENSLEY: Very small. We have,
10 I'd say, maybe 1 percent. Something like -- we
11 had very few ballots that are mismarked or
12 anything. I would credit my judges for that. I
13 credit my -- my judges, you know. I do -- if my
14 judges need it, I always take a ballot. I
15 always have sample ballots, and I show them how
16 they -- you know, instruct the -- the voter.
17 And I'm very proud of my judges, and we have a
18 very few --very few. Yeah. I'll sit down and
19 let somebody else talk.

20 MR. FORRESTER: Yes.

21 MR. MILLER: Rodney Miller, Cape
22 Girardeau County Clerk. Your questions you
23 asked regarding the punch card, doesn't your law
24 require that they're same changeability and you
25 have it in -- you do have it in the optical scan

1 if you have the readers there that if you if you
2 have an over vote and it kicks it out, and you
3 have second chance voting punch card if you do
4 not. And there may be a machine -- I don't know
5 if there's a machine available. I've heard of
6 something like that. But doesn't it also -- one
7 of your question we have provided a certain
8 amount of education then we can basically serve
9 them that, and circumvent that issue,
10 particularly punch card voting? I don't -- I
11 know there's new things, but I think everybody
12 has a certain -- pretty high amount of education
13 to help any voter that has any issue with punch
14 card voting how to vote. They know they need
15 help. I think most county clerks are certainly
16 helping judges doing that under the law.

17 And I don't know where punch cards will
18 end up, but I have to the same issues we spoke
19 about on Friday evening. The punch cards have
20 been very satisfactory. If education was such,
21 I'd -- where are we going with it? We know it's
22 not enough money to buy us out without --
23 especially Cape County with those who are
24 required to --

25 MR. FORRESTER: I'm not going to --

1 I'm not going to argue with your statement. But
2 I would ask, of course -- I don't believe
3 there's any provision that education allows you
4 to change anything, is there?

5 MR. MILLER: Yes. Yes. I stand
6 corrected.

7 MR. BLUNT: The punch card buyout
8 is not mandatory, and that's sort of a -- I
9 think a misconception about the Help America
10 Vote Act is it mandates a punch card buyout. It
11 doesn't. It certainly presents a strong
12 incentive to do so. I do think there are some
13 in state government who would -- would at some
14 point maybe think the State should ban the punch
15 card voting device in their state. That's
16 something that really you'd want to watch or
17 advocate of punch card voting would want to
18 watch in the legislature. What I think the --
19 the education issue deals with the second chance
20 voting. The education is if you could
21 demonstrate that you had a sufficient education
22 program in place, then you would perhaps not
23 have to meet all of the second chance voting
24 requirements.

25 MR. MILLER: Can I just go ahead and

1 say a little bit more?

2 MR. BLUNT: You bet. Keep going.

3 MR. MILLER: I think all of us who
4 have punch cards have been, in most instances
5 other than some of the issues we have in larger
6 cities, been very satisfied with it. It's
7 worked well. The citizens in Cape County have
8 been very satisfied. We've had recounts and
9 things that have went well. And as far as the
10 turnout and how it turned out at the end, it's
11 worked well there. All of those -- if there, if
12 now what we have and you just mentioned it, the
13 only change we go to is the optical scan, if we
14 go to optical scan, what's -- to us that's had
15 punch cards, even though it may be a different
16 system, it would appear that we're going
17 backwards. I don't mean that badly to optical
18 scan. Going back to punch card. Go to optical
19 scan. We're going back to paper ballot. Now
20 we're going back another way with it. And the
21 only thing that I see that possibly we're
22 accomplishing with it is the machine that would
23 be the second chance voting.

24 So in Cape County itself, just by buying
25 the machines to have these particular precincts

1 to offer the second chance voting, which is,
2 they tell me between five and \$6,000, 40
3 precincts. That's \$240,000. We may not get
4 that. We obviously can't handle the cost. And
5 -- and I -- I do want to compliment Matt on the
6 issues and the programs that he put forward. I
7 think it's been realistic. I think we out here
8 with the punch cards and the systems, we just
9 don't want to -- as we represent our systems, we
10 don't want to get caught with that kind of money
11 having to do it. We think it's unrealistic and
12 simply not what we should be doing and intend to
13 do out there and out there where we're having
14 the vote.

15 I know there's issues out there between
16 the advocacy -- between punch card and optical
17 system. But I know in our county and Randy, and
18 I don't know who else, our citizens are -- I
19 mean, they've been happy. We had to go through
20 the training period for the first time. And we
21 can't buy the readers and still be a hundred
22 thousand dollars down. We can't get the -- the
23 vote for those, then in some way however you
24 want to express it -- that's another six --
25 we're down to \$300,000 before we start without

1 any money. So as the county clerk, I -- you
2 know, I wouldn't go for that for the system of
3 Cape County. We'd all like to have electronic
4 and go through that training that worked right,
5 paper trail and have all that. But there's not
6 enough money out there to do it. So what I
7 don't -- what I don't want us to do is have that
8 -- I shouldn't say this -- dog and pony show out
9 there that we've got all these new systems going
10 on and we're going make this big deal, and it's
11 not realistically going to happen.

12 I know this is what this is for, and I
13 know it's the Secretary of State's office and
14 their approach to it, and I -- I don't question
15 that whatsoever. I compliment Matt. And the
16 things they've done, we're very happy with. But
17 there's -- it's an issue that's not real if we
18 don't get the it to the people of what's going
19 to really happen. So I -- I've said all I want
20 to.

21 MR. BLUNT: Well --

22 MR. MILLER: That's all I want to
23 say.

24 MR. BLUNT: It's well said. And the
25 reason both elections is an important part of

1 the offering testimony and serving on the state
2 plan committee is so we can really implement
3 whatever the State plan committee -- what we
4 ultimately decide upon as the state plan. I do
5 think you're correct. I think because of some
6 dog and pony shows there is, in some voters'
7 minds, some citizens' minds a perception of
8 what's going to change out there that just isn't
9 -- we just don't have the funds to meet some of
10 those expectations, and we do need to begin to
11 let people know where the -- how -- how big a
12 transformation this is going to be.

13 MR. MILLER: I didn't mean that
14 towards your office. It has to be realistic.

15 MR. BLUNT: It's does have to be
16 realistic, and I think we're making implements
17 to the election process. In most places in our
18 state the election process is sound. We're
19 making improvements to that process. There's
20 always room for improvement. We'll continue to
21 do that. That needs to be tempered by a sense
22 of realism about what's true and possible. So
23 -- thank you all for being here. Certainly, I
24 know the other members will remain here to -- to
25 accept testimony and just continue this

1 discussion, which I think is helpful. Thanks.

2 MR. POWELL: Well, Rodney, I think
3 you're right. And we understand, too, but --
4 but in order to get, you know, the Feds are
5 bringing some money to the table. And for us to
6 -- to be -- to qualify and get any of it, we
7 have to have a state plan. So in order -- and
8 that's what we're trying to do here is find out
9 what we can do, and one thing we can come up
10 with so that we can qualify for it if funds do
11 come. Now, I don't -- I'm not sure if there's
12 going to be changes to the Help America Vote
13 approach somewhere when they find out that maybe
14 there's some things we just can't do. I mean,
15 some of these are federally unfunded mandates
16 that -- that we can't meet. So maybe -- so what
17 other suggestions that you would make on what we
18 could do because you're saying we have to have
19 at least one machine in each -- every polling
20 place so that regardless of your disability you
21 would be able to cast your vote in private. So
22 how do we meet that?

23 MR. MILLER: Are we being prejudice
24 where we have one or two machines in a couple
25 areas where they can be used? Is something

1 wrong that? Is that more realistic cost?

2 MS. TRANKLER: If you had one or two
3 machines in your area --

4 MS. VANDELICHT: Excuse me. Would
5 you state your name, please?

6 MS. TRANKLER: I'm Lee Trankler.
7 I'm director of the Region 9 Health and Welfare
8 on Disability.

9 MR. POWELL: Would you spell your
10 name, please?

11 MS. TRANKLER: T-r-a-n-k-l-e-r. And
12 I'm from Scott County. If you had a machine or
13 two in your area that would serve folks with
14 disabilities to come in and vote, would they be
15 allowed to switch polling places, to come to the
16 poll where -- see, I'm from a very small town,
17 and I'm not allowed -- we only have two polling
18 places in my town and I can't switch from one to
19 the other. So if there's going to be a problem
20 with folks with disabilities getting to the
21 machine that they can vote at, then that's not
22 any good.

23 MR. MILLER: The law says particular
24 problem -- and it can be switched to a precinct
25 where they'd be more accessible. Because, you

1 know, some of the counties -- some places we've
2 got precincts, they've got a garage, and that's
3 all we've got. I mean, if you can find any
4 place. So somebody -- you know, you want it to
5 be accessible and everybody tries to get
6 accessible. The law says now you have to switch
7 that to another precinct.

8 MS. TRANKLER: Okay. I don't see a
9 problem with that as long as there's not a
10 hold-up in elections missed because of there
11 being a hold-up on their cards being changed or
12 whatever.

13 MR. FORRESTER: Of course, part of
14 -- of it is has been and some of the other
15 testimony has been the ballot issue, whether you
16 would have the corresponding ballot to that
17 disabled person. And I can tell you of the five
18 public hearings we've had, this is the only
19 public hearing that we have not had significant
20 -- at least up till now significant testimony
21 from the disability community on their specific
22 needs and -- and it has been a -- a big focus in
23 the four previous hearings, I think, as to how
24 that goes. So, I mean, I -- I understand what
25 you're saying dollars and cents. The other

1 question I'd have because we do have so many
2 county clerks here that I've heard that I
3 thought had some interesting -- that I could see
4 some problems with as well is there was some
5 suggestion with the dollars and cents that there
6 may come a time when we have mega precincts
7 instead of where you have -- how many precincts
8 do you have to vote at now, John?

9 MR. DUNIVAN: We have 25 in Butler
10 County. We had talked to -- some counties had
11 talked about combining precincts. We have ten
12 townships in Butler County. You say we have to
13 buy these machines. Let's put a machine in each
14 township. Well, if you get into town here,
15 Reid, and I've got five precincts in town and
16 four other ones all in these different townships
17 and after those are in the 2500 registered voter
18 database, I'm going to have lines -- we'll put
19 somebody at the end of the line at 7:00 of the
20 presidential election day and they'll be voting
21 at 1:00 in the morning.

22 MR. MILLER: I don't think mega
23 precincts -- I mean, this is my first response.
24 I just don't see it working because I've got
25 precincts right now that need to be -- we've got

1 some precincts out there that have to drive the
2 15, 18 miles. Are you going to bring them in
3 where they have to drive 15, 18 miles to come
4 vote?

5 MR. FORRESTER: And, again, I just
6 threw it out as a suggestion. I don't think
7 that's a mandatory of the plan. I think it was
8 -- you just throw it out there to say, you know
9 -- I think as we go forward, we all may have to
10 look outside the box a little of what we're --
11 we're doing.

12 MR. MILLER: The ballot issue is an
13 issue, but I don't think it's a problem,
14 especially with two or three precincts that
15 can't be handled. We're probably going to have
16 to face it in the future sometime anyways.
17 Before it's all over, we know it's going to --
18 we're going to have early voting. It's going to
19 have to. So the ballot issue is going to have
20 to be faced where you're you've got to know
21 everybody in just one or two areas. So I don't
22 see -- I don't it as a problem. But I see it --
23 I see it as handling more realistically than
24 where we -- if we have two or three throughout
25 the area where we have 30 -- we don't have to

1 buy 37 others -- others at 6,000 which is around
2 \$180,000. It's -- that's the way I see it.

3 MR. ISBELL: Your idea of the second
4 chance voting, the best election I've ever seen
5 was the November 2001 election Cosa Vo. And one
6 of the clerks said, Well, the reason it was was
7 because one of the reasons was because of funds
8 to use on it. And that's probably true. I
9 don't know if it would work or not, but they
10 hand -- they hand deliver these people to the --
11 to the ballot. They saw that they voted. And
12 they absolutely took them to the ballot box.
13 Are you sure this is, you know, what you want to
14 do? And they just -- you know, right to the
15 ballot box and then they put their ballot in.

16 MR. MILLER: I think we'd all like
17 to have a perfect ballot when they come in. And
18 having a second chance, especially in the
19 optical scan which you guys have seen there,
20 punch card, I don't know if that's available.
21 I've heard about it where you put them in. But
22 I don't know in your instance -- but where you
23 have the second chance voting like that, you now
24 create another issue of lines of people going
25 back to voting. And that's what the law says

1 and then we've got to work out. I still think
2 the voter has some responsibility to vote their
3 ballot.

4 MR. POWELL: If you do that, you'd
5 have to go to secret ballot.

6 MR. MILLER: Pardon me?

7 MR. POWELL: If you did that, you'd
8 have to --

9 MR. MILLER: Sure. You know, I
10 don't want to -- I want every ballot to be a
11 perfect ballot. But not everybody is going to
12 get it exactly right, and we don't have many
13 over votes. We don't have a lot of it. It
14 shows up on ours. But -- I don't know what the
15 heck -- did I answer your question or get close
16 to it?

17 MR. POWELL: I think so.

18 MR. MILLER: Okay.

19 MR. POWELL: We stomped all over it.
20 And, Becky, I'd like you or Gary both, either
21 one, a little smaller rural areas, if you had a
22 special machine just for the handicapped to use,
23 are you afraid that you would disclose how that
24 person voted then if -- if there's a dedicated
25 machine just for them? I mean, that's kind of

1 where I was going a while ago. Gary was saying
2 how many handicapped people do you have that
3 would vote at any given precinct.

4 MR. HENSLEY: Only had one --

5 MS. YORK: I --

6 MR. HENSLEY: I'm sorry.

7 MS. YORK: Go ahead.

8 MR. HENSLEY: I only had one, a
9 blind gentleman that they can vote. And that's
10 only -- the only others I have in the handicap
11 is maybe where my judges have to go to the car.
12 They -- and no matter if I have the special
13 machine or whatever, I could almost name them,
14 they will -- they will still need to go to that
15 car unless it's something like that type of
16 computer that they can take out there and show
17 them how to do it.

18 MS. YORK: I think that you would
19 have a problem if you only had one or two people
20 that used a specific machine. And what I do in
21 my county because we're very small is we -- for
22 an example, we recently had a school bond issue.
23 We had a very small number of absentee voters.
24 When we only had four or five absentee voters, I
25 don't even count those as a separate precinct.

1 I went ahead and took those and divided them
2 into the precincts in which those people would
3 have voted because when you have a yes or no
4 issue, you have a responsibility of those four
5 absent voters all voted the same way, several
6 people will come in and check, and they'll know
7 how those people voted. And in our county, I
8 have 17 precincts, four of which are already
9 combined with other precincts. We're on optical
10 scan. We only have three optical scan machines.
11 I use one for a central counter and two are in
12 my largest precinct. If we have to purchase a
13 machine for every -- for every precinct, we're
14 -- we're looking at over \$75,000 for an initial
15 outlay that we would have to pass on part of
16 that cost sharing to our other political
17 subdivisions which are already strapped for
18 funds. And I think the thing we're not looking
19 at is not only the initial outlay, but you have
20 an additional -- in our county it costs about
21 \$3,000 a year just for the maintenance contract
22 for the annual maintenance on those machines --
23 I did my machine test for the April election
24 yesterday. We had 17 ballot styles because of
25 the multi-districts. It took about an hour and

1 a half to test those three machines. If you
2 have a county that's going to have 50 machines,
3 it would take days to do the machine test if we
4 do it like we're supposed to, test every machine
5 and give that ballot -- that ballot stack,
6 everybody vote no one more than -- you know, the
7 same number of votes. It would take days to
8 test those machines. You have the cost of
9 training your judges. Right now, my election
10 judges can come and pick up supplies and take
11 them and have them the morning of the election.
12 If you have these machines and these boxes, you
13 have to hire somebody or someone to go out and
14 distribute your equipment. I mean, there's a
15 lot of expense other than just our initial
16 outlay for equipment.

17 And I -- you know, and I think that we
18 need to make voting as accessible to everybody
19 as we can. We're doing that satisfactorily in
20 Ripley County through curbside voting or we
21 allow people to come to our central location
22 where we have every ballot style available if
23 they want to come there to vote. And I think
24 that we are somehow penalizing the 99 percent of
25 people that don't need assistance to -- you

1 know, I understand most people need assistance.
2 But we need to look at the numbers there. You
3 know, we have to find another way to accommodate
4 them to allow that 1 percent to be able to vote
5 in secrecy and as conveniently as possible. You
6 know, we need to find some fine line there that
7 we can be able to take care of everybody's
8 needs.

9 If we have to combine more precincts, you
10 know, I have one rural -- I have one rural
11 precinct that has less than 110 registered
12 voters. I can't see spending 70 some hundred
13 dollars to put a machine in there for whatever
14 small percentage of those hundred of people are
15 going to vote that day. Then on the same token,
16 I can't see them coming and having to drive 20
17 miles to come to the next polling place.

18 MR. HENSLEY: I've got the same
19 instance. I've got a precinct that votes 29,
20 and I can almost tell that you before -- if you
21 want to come over there the next time, it will
22 be 29,30. But if I combine that, they will
23 drive 29 miles, and then 29 people will feel
24 like I've discriminated against them if I change
25 that voting precinct. It doesn't matter what it

1 costs. And -- and that's exactly what -- this
2 early voting and everything else, these schools
3 are getting to the point they say we cannot pass
4 a bond issue to take and put a roof on our
5 building, and it's costing us X number of
6 dollars because we have to hold these elections.
7 I've even heard encouraged them to go to the
8 legislature to see what can be done about the
9 numbers. I don't know if that can be done on
10 the school boards. I mean, one school district
11 down there had to pay \$1900 and didn't even have
12 any opposition. Do you see what I'm saying?
13 And Mr. Fraley is so -- he's like me. He's so
14 conservative that he -- I mean, he comes up
15 there with the check and almost -- puts it down
16 and says, Gary, I can't stand this. You know,
17 but that's what we're --

18 MS. VANDELICHT: May I make a few
19 comments? I'm Gayla Vandelight. I'm the
20 Director of Elections. And we can argue the
21 point about having a machine that guarantees
22 privacy in each precinct. The bottom line is we
23 have to do it. We don't have any ifs, ands or
24 buts about this. We have to do it. And I think
25 one of the things --

1 MR. MILLER: Who will? The State?

2 I'm sorry I interrupted.

3 MS. VANDELICHT: Someone would.

4 Someone would. And I would imagine, to be quite
5 honest, it would be someone from the disability
6 community that would show up, and they would
7 have the right to do that. The thing that
8 you're going to have to adjust to, and this is
9 part of the education I think in training
10 committee, is, you know, when you talk about
11 having the machine that someone who is -- and
12 we're talking about -- let's face it, about the
13 visually impaired, this is more apt to happen.
14 This is not a machine that's used only by the
15 visually impaired. Anybody that walks in can
16 use this machine. So it isn't the effect that
17 if you have one blind voter, one visually
18 impaired voter at a precinct, you're not going
19 to say, Well, you're the only one that can use
20 that machine. That isn't the case. You know,
21 anyone can use that machine. And you're going
22 to have to educate your voters to say that.
23 There's so many clerks here, and I know they're
24 well aware, the only machine that we know of
25 right now that is capable of -- of guaranteeing

1 privacy for every voter is what we call a DRE.
2 It's a touch screen machine. And the cost
3 varies. Now, you said, Becky, 7700 you thought?

4 MS. YORK: I don't know for that
5 type of machine.

6 MS. VANDELICHT: You know, it will
7 vary. And what we're hoping is we can -- as --
8 as a state, you know, purchase on one contract,
9 and that will lower the cost. Therein lies the
10 problem of the number of precincts you have and
11 whether or not you're going to have to combine
12 some precincts because the law says you have to
13 have one of these machine at every precinct. If
14 you have a precinct that only 29 people vote at,
15 I mean, as much as those people may be
16 accustomed to -- to voting next door to where
17 they live, they may have to change the way they
18 vote. They may have to change the place they
19 vote. You may have to combine precincts. We
20 don't have any choice. And, you know, part of
21 the education and training committee, that's one
22 of the things -- we have to deal with the fact
23 that we have a lots of responsibilities we have
24 to -- to -- we're ordered to do by this law.

25 We have less money to do it with than was

1 originally thought, you know, like a lot of
2 things. We have less money. We have to meet
3 the accessible standards. We have to -- in our
4 office, we have to design and maintain a
5 state-wide voter registration database that is
6 accessible to all the county clerks.
7 Pennsylvania just bid on a system, and their
8 system is costing them 19.4 million dollars. So
9 we're looking at something like that.

10 One of the other charges, education and
11 training, you know, we have to figure out how to
12 educate the voters. We have to figure out how
13 to educate election judges, look for new
14 programs in that way. The punch card buyout
15 system -- and just for the record, those of you
16 that are on punch cards, the original bill you
17 know, when it was thought it would be fully
18 funded would have allowed \$4,000 per precinct.
19 We just got information from the general county
20 office that we're going to have to be submitting
21 our application in a few weeks, because the
22 first part -- the first part of the bill has
23 been funded less than originally thought. It's
24 83 -- about 84 percent funded. That number has
25 now dropped to \$3,354 per precinct. So those in

1 punch cards, it's no longer \$4,000 a precinct.
2 It's \$3300 a precinct. And you're right. You
3 know, the cost above that if you want to replace
4 a system -- but I just want to make those
5 comments. It's -- we don't -- we don't have any
6 -- we don't have any choice. You know, it's a
7 good thing. I mean, we want to accommodate
8 everyone, and everyone has the right to vote in
9 privacy. But we just need to figure out how to
10 best spend the money we have.

11 MR. MILLER: I was questioning the
12 point of choice. I don't believe that we have
13 -- I don't believe we have to be -- with that
14 kind of pricing have to do those things and take
15 that money away from the citizens and people
16 there and have to do that. I just don't believe
17 it, don't think I'm going to. I don't mean that
18 to be mean or act like I'm a big guy or
19 anything. I just think it's absolutely wrong
20 that they'd say we've got to do this. It's
21 going to completely change the voting system,
22 which is working and working right. I -- and I
23 think -- you know, I don't know what you have to
24 do to get the money. You know, do you have to
25 give the punch card people sign on now? Do they

1 have to sign on that they're going to change to
2 get this machine?

3 MS. VANDELICHT: What we're going to
4 do -- and every state has to -- every state has
5 that has punch card or lever machines has to
6 indicate whether or not they're going to
7 participate in the buyout program. We, as the
8 State, are going to participate. We have to do
9 that because we have to allow those counties
10 that have made the decision to go to punch card
11 as opposed to something else the opportunity to
12 be able to reimbursed.

13 MR. MILLER: But it's not mandatory.

14 MS. VANDELICHT: No. It's not
15 mandatory. It's not mandatory.

16 MR. MILLER: But if you --
17 assuming --

18 THE COURT REPORTER: Excuse me. I
19 need them all to talk one at a time.

20 MS. VANDELICHT: What will happen --
21 just a minute. What will happen is we will let
22 all of you know. In fact, we've already told
23 the counties we are going to participate. We
24 already have, I think, six counties who have
25 indicated they're going to participate. They've

1 already switched punch card to optical scan.
2 The federal government will give us \$3,354 per
3 qualifying precincts. How many precincts do you
4 have?

5 MR. MILLER: I'm going to say 40.

6 MS. VANDELICHT: 40. You have 40
7 precincts. So they're going to give 120,000,
8 you know, ballpark.

9 MR. MILLER: Can't buy them --

10 MS. VANDELICHT: For Cape Girardeau
11 County. Rodney is going to come to us and say,
12 I'm not going to participate. So we're going to
13 have to give that money back.

14 MR. MILLER: I'm sorry. The law
15 says we have to give them second chance voting.
16 So I've got to have all those precincts. I've
17 got to have one of the readers in every precinct
18 to offer second advance voting. Why don't -- do
19 I go to the education business?

20 MS. VANDELICHT: The law says if you
21 provide a significant or a sufficient amount of
22 education and training to the voters, you do not
23 have to have increasing --

24 MR. MILLER: Why do can't I use
25 punch card?

1 MS. VANDELICHT: You don't have to
2 change your systems. That another thing to
3 think of about. You know, voter education, you
4 know, we talked about new posters at the polling
5 place, inserts in the newspaper

6 MR. FORRESTER: Loop video.

7 MS. VANDELICHT: How many people
8 read the posters when you go into vote? So
9 we're looking for ideas, you know. If, you
10 know, we have a lot of -- ask your -- your
11 judges. Ask your voters. Those of you that
12 aren't election officials, how would you educate
13 the people that you're representing? How would
14 you -- what do you think they would pay
15 attention to? What do you think they would
16 read? What would they watch?

17 MR. MILLER: Take them by the hand.
18 Walk them up to.

19 MR. DUNIVAN: I know that there's
20 money available on punch card buyout. Is there
21 money available for the -- is it the DRE or ADA?
22 I'm taking about the handicaps. Do you have
23 money available for that?

24 MS. VANDELICHT: I tell you what,
25 I'm going to let Terry Garrett -- Terry Garrett

1 is our general counsel. Terry, we are going to
2 have money available for that.

3 MR. DUNIVAN: Do you have any idea
4 what percentages it is? Is it 20/80 or 50/50 or
5 80/20?

6 MR. GARRETT: Right now what you're
7 talking about is the -- is the DRE, the
8 accessible polling place and accessibility.
9 That's in what's called Title 3. And there's
10 Title 3 money that's going to come available.
11 It's not been appropriated yet. We're hoping
12 it's going to be appropriated to address that.
13 And that requires a 5 percent State match. And
14 that's -- again, that's one of the things that
15 the State Planning Committee is looking at, how
16 are we going to -- to match that. You can match
17 it by other things just in the straight general
18 revenue from the State. Some of the things the
19 counties are doing will count as a State match.
20 So that's the -- some of the things we're
21 looking at, how to mix all of that together and
22 come up with that with that money.

23 MR. DUNIVAN: I heard the 5 percent
24 statement. What is the political subdivisions
25 in election authorities? Do we have to put up

1 anything or is the government going to furnish
2 the other 95 percent.

3 MR. GARRETT: No. That's another
4 thing we're going to do in the State plan. What
5 are we going to -- how are we going to
6 distribute the money to the counties from the
7 State? Are we going to just give straight
8 grants? Are we going to have a revolving loan
9 program where we loan money to the counties that
10 they pay back at a low rate of interest so we
11 can keep a pot of money perpetuated for years to
12 come.

13 MR. DUNIVAN: What's the timeline?
14 is that '04 or '06? When does the federal law
15 say we have to have that machine in the
16 precinct?

17 MR. GARRETT: The -- the -- it's --
18 yeah. January 1st, '06 --

19 MS. VANDELICHT: January 1st.

20 MR. GARRETT: -- for that. There's
21 deadlines in '04, and there's some deadlines in
22 '06.

23 MR. DUNIVAN: It's '06. Are you
24 going to get an extension on that, Gayla?

25 MR. GARRETT: Well, I know one of

1 the things we're looking at -- one of the things
2 we're looking at -- one of the things -- the
3 only way we're eligible for the extension on
4 state-wide voter database, it has to be in place
5 before January 1st of 2004. We can get an
6 extension for good cause to 2006. But I know
7 that Secretary Blunt has -- has stated that he
8 is in favor of making every effort to get in
9 compliance by January of 2004. So we're working
10 pretty hard on that one.

11 MS. VANDELICHT: Trent Summers.
12 Trent Summers.

13 MR. MILLER: Wait. Wait a minute.
14 What did you just say? I mean, I'm serious.

15 MR. GARRETT: About the state-wide
16 voter registration?

17 MR. MILLER: You said it's just the
18 database, not the other?

19 MR. GARRETT: Yeah.

20 MR. MILLER: By January 1st, 2004,

21 MR. GARRETT: Yeah. State-wide
22 voter database.

23 MR. SUMMERS: One DRE at every
24 polling place. One thing the State Planning
25 Committee was looking into -- currently looking

1 into is whether or not the option is for us to
2 lease -- the counties to lease a DRE in the
3 first election rather than everyone go out and
4 buying one for precincts if we can lease one on
5 a temporary basis so we can --

6 MR. DUNIVAN: Figure out how to buy
7 it.

8 MR. SUMMERS: Which ones work better
9 in each jurisdiction.

10 MS. YORK: I'm somewhat confused.
11 If we're going to have one of these in every
12 polling place, why do we need to be worried
13 about whether we're going to have optical scan
14 or punch card or anything else and just use that
15 for everybody?

16 MR. POWERS: Well, it's logical you
17 could have hundreds of people voting that you
18 couldn't have -- I mean, yeah, some precincts
19 you probably could do it that way.

20 MS. YORK: In some small counties,
21 everyone could. If you've got one machine in
22 that polling place right now, you'd have one of
23 those.

24 MS. VANDELICHT: You have one
25 machine that they can vote with? You have --

1 MS. YORK: We have optical scan. So
2 we have one machine that they're running their
3 ballots through. I mean, we've got several
4 people voting at one time.

5 MR. SUMMERS: But they have to
6 actually vote on that?

7 MS. YORK: On paper. Right.

8 MR. SUMMERS: The DREs, they have
9 to --

10 MR. DUNIVAN: When you start
11 purchasing those records or how many machines
12 you need at the precincts, the vendors will tell
13 you you need so many per registered voters. And
14 the number used to be somewhere between 100 and
15 250. So if anybody -- any counter clerk that
16 has a precinct that has, say, 150 people
17 registered there -- Becky's entirely correct. I
18 believe she had that one machine that there that
19 would cover it.

20 MR. MILLER: Do you know how happy
21 they'll be if you have 50 percent turnout?

22 MS. VANDELICHT: What I was saying
23 is that our administrative rules right now
24 address how many voters per machine. And I'm --
25 I can't recall the numbers. Does anyone --

1 MR. SUMMERS: I think it's a
2 hundred.

3 MR. HENSLEY: I'd say it was up
4 there some because I would use one machine who
5 voted three or 400, and I have no problem with
6 that machine.

7 MS. VANDELICHT: I'm not talking
8 counters specifically. I'm talking --

9 MR. HENSLEY: Right. I --

10 THE COURT REPORTER: Excuse me. I
11 need everybody to speak one at a time.

12 MS. VANDELICHT: I am talking that
13 the machine that you physically have to go up
14 and punch or physically have to go up and use
15 the touch screen. And if I could address the
16 touch screen machines right now, last year in
17 the legislature, we approved -- or the
18 legislature approved the use of electronic
19 voting in Missouri, the touch screen machines.
20 We have -- as Matt was noting earlier, we have
21 not certified any equipment as of yet. We are
22 waiting to do that. Several vendors --
23 actually, a lot of vendors have approached us
24 about certifying their equipment in Missouri,
25 and we're reviewing that equipment right now.

1 We are looking for equipment which has a paper
2 trail, which has a paper ballot along with it.
3 Most of those machines --in fact, all of those
4 machines have, you know, audio feature where a
5 visually disabled voter could wear earphones and
6 would be able to vote in privacy. So when we do
7 reach the point of certifying some of those
8 machines, we have already approved the use of
9 them in Missouri. We just haven't certified any
10 particular machines yet.

11 MR. POWERS: Any other comments?

12 MS. TRANKLER: I just wanted to
13 bring one more point out about the voters who
14 have disabilities. The reason there may be low
15 voter turnout is because the place not be
16 accessible or they know they can't vote on the
17 machine that's in there anyway. So they don't
18 show up to vote because they can't -- they can't
19 vote by themselves. So I know in -- we serve
20 nine counties over in the Sikeston area. And
21 based on the 2000 census information that we
22 got, I came up with a -- almost 20 percent of
23 the people in the nine counties were over age 18
24 and could potentially vote. I mean, they may
25 choose not to. They may not be registered

1 voters. You have other issues of guardianship
2 or other things that come in there. You know,
3 potentially almost 20 percent of people with
4 disabilities -- it was broken down. People with
5 disabilities could potentially vote in those
6 nine counties. So I don't think it's a small a
7 number as -- as it's being portrayed maybe. And
8 -- and the several folks have said that the
9 folks in their precincts are happy with the way
10 it's -- that they vote and everything. I don't
11 know if that's just an impression or if they're
12 asking people if they like the way that they
13 vote or, you know, curbside whatever. But I
14 would be real interested in finding out how
15 people with disabilities who are voting curbside
16 or have somebody in the booth with them are
17 actually pleased with not being independent and
18 confidential.

19 MR. FORRESTER: I can tell you from
20 other public testimony at other hearings it has
21 been a big issue and it is not well received by
22 those folks. I mean, again, that's just -- I'm
23 just saying the people that were here at the
24 hearings I participated in, that's the testimony
25 that we've had at the hearings that I've

1 participated in. That's been one of the big
2 issues that -- that, you know, not being able --
3 you know, they didn't have a privacy curbside
4 voting or others. And they were hoping that
5 this law would address that.

6 MR. POWERS: If your county is like
7 mine, a lot of the people need special
8 assistance come directly to our office and go to
9 absentee. And until we really got into that
10 here in the last few weeks or months, I didn't
11 realize maybe I hadn't done a good enough job of
12 making that information available to the public.
13 And maybe it's a matter, again, of education to
14 help maybe resolve some of this. Maybe if we'd
15 be more proactive, maybe this wouldn't be coming
16 hard to us now as it is.

17 MR. ISBELL: Now, too, I think most
18 of the clerks in here -- I'm a county clerk. We
19 may not be happy with, you know, the way the law
20 is written, but I think all of us are -- are
21 doing what the law says. And the law says you
22 don't --

23 MS. TRANKLER: Oh, I don't dispute
24 that at all.

25 MR. ISBELL: I think that's what all

1 the clerks are saying. It's going well because
2 we're fulfilling what the law says. We have to.
3 We need to do.

4 MR. POWERS: You need to state your
5 name.

6 MS. COLEMAN: Jane Coleman, Region 9
7 counsel -- or Region 8 county clerks' office.

8 MS. VANDELICHT: Could you spell
9 your last name?

10 MS. COLEMAN: C-o-l-e-m-a-n. I
11 agree with -- with what she has said. And I
12 serve a ten county region, including Oregon
13 County. And I do feel like many people with
14 disabilities are somewhat intimidated, even
15 though there are some accommodations that are
16 made for them. They're really not sure that
17 they're welcome there or that they're going to
18 get the accommodations and assistance that they
19 need and be comfortable in doing that. I don't
20 think they're educated in the way that they
21 should be. And I think there's a lot of work
22 that needs to happen here in order to encourage
23 people with disabilities to register to vote. I
24 think the numbers are small probably of the
25 people that do turn out. But I think there are

1 other issues that go along with that to explain
2 why that is. And I don't think it just is
3 surrounding the machine. I think it has to do
4 with educating the -- the people in the
5 community.

6 MS. YORK: And I agree. That may be
7 a problem. But we're talking about the small
8 percentage of people that have a special need.
9 It would be our percentage of voter turnout.

10 MS. COLEMAN: Exactly.

11 MS. YORK: There might be some
12 underlying reason like you're explaining that
13 these individuals hesitate to even register to
14 vote.

15 MS. TRANKLER: Exactly. Because
16 they may have the -- the fear -- it may not be a
17 realistic thing, but it is definitely a fear
18 that they have that --

19 MR. POWERS: How can we overcome
20 that, or what can we do as election authorities
21 then to address that issue? How can we educate
22 them? Or what are your recommendations?

23 MS. COLEMAN: Well, I certainly
24 believe it needs more direct contact with people
25 with disabilities and agencies that work with

1 people with disabilities to explain how their
2 needs can be met. I don't think there's one
3 simple way to do it because too many people have
4 too many different ways of learning and
5 communicating. I think that you're going to
6 need to help other people in the -- in each
7 community and the agencies that work with
8 people. And also maybe survey some of these
9 people with disabilities to determine what would
10 work best, what would make you feel more
11 comfortable, how could we meet your needs
12 besides having the machine that's there. How
13 can we help you feel more comfortable in coming
14 out and voting?

15 MR. POWERS: Okay.

16 MS. COLEMAN: I don't know that
17 there's one simple way to do that. But I think
18 that is a real key issue that needs to be
19 addressed.

20 MR. POWERS: Thank you. Is there
21 any other comment or -- Trent, did you have --

22 MR. SUMMERS: I'm working with the
23 accessibility group on the State plan. And do
24 you have any comments on, in your opinion, what
25 are the biggest obstacles right now accessing

1 the poll?

2 MS. COLEMAN: Yes. Transportation
3 is certainly an issue. I may --

4 MR. SUMMERS: To the polling place?

5 MS. COLEMAN: Yes. It's an issue in
6 -- in all the ten counties that -- that I work
7 in. And I know. And, yeah, you can do an
8 absentee ballot. But if you're talking about
9 including people with disabilities in the voting
10 process, you have to make it really accessible.
11 And sometimes a person may want to get there.
12 They may understand the voting process, but
13 getting there is a huge issue for them. And,
14 you know, that -- and it's not just
15 transportation to vote. It's transportation,
16 you know, over every issue. But I think that is
17 one really key problem.

18 Literacy is another issue that I see
19 often. It isn't that they don't have the
20 intelligence, but they lack the ability to read.
21 And I don't know if you people know anybody who
22 doesn't know how to read, but that's terribly
23 intimidating. It's a very embarrassing thing
24 for you to be an adult and not know how to read.
25 It's very frustrating. And so there are a lot

1 of other issues that intertwine with -- with
2 helping people be able to vote. It's -- I don't
3 think there's one huge issue. But those are two
4 big issues that I see.

5 MS. TRANKLER: And I wonder if -- if
6 another issue may be that they don't understand
7 it's their right to vote.

8 MS. COLEMAN: Exactly. That is
9 true.

10 MS. TRANKLER: It may be that
11 simple.

12 MR. SUMMERS: More education of how
13 they can -- or what their rights are.

14 MS. COLEMAN: Yeah. Because,
15 really, a lot of these people have spent their
16 whole lives being told, okay, you need to go do
17 this and you need to go do that. Come on, we're
18 going to go do this because this is what you
19 have to do today. And when they -- they really
20 discover that they have a right to vote and this
21 that they need to be heard, when they have all
22 the other obstacles that come into it that
23 prevent them from doing something they're
24 supposed to have a right to do.

25 MS. TRANKLER: And I think society

1 does, too, stops them because they don't -- I
2 don't even know how to say it. Society does not
3 see people with disabilities maybe as being
4 worthy of voting as understanding what they're
5 voting for and -- and even providing an
6 opportunity for that. Just like she said, they
7 may have direct staff that work with them every
8 day and they pick them up and take them to
9 Wal-Mart and they go shop at Wal-Mart, but
10 voting day comes and they're not going to take
11 them to the polls.

12 MR. SUMMERS: Do you think -- keep
13 in mind we have limited amounts of money and
14 it's -- it wouldn't be possible to make every
15 polling place physically acceptable --
16 accessible for every person with a disability.
17 Do you think money would be better spent
18 educating these people of their options such as
19 curbside voting or absentee or what -- or
20 working on ways to help them get to the polling
21 place or make more improvements on just getting
22 into the polling place? Do you think the
23 barrier is getting them to the polling place, or
24 do you think the barrier is them being afraid
25 that they don't have the right to participate

1 or --

2 MS. COLEMAN: I think probably both
3 are issues. But I think there are a large
4 number of people who do not understand that they
5 have the right. And until they understand the
6 right, they're not even going to try to figure
7 out a way to get to the polling place.

8 MS. TRANKLER: I agree.

9 MR. POWERS: Don, do you have a
10 question? Don White.

11 MR. WHITE: Don White with Stoddard
12 County. We have a gentleman that is handicapped
13 that comes by on a pretty regular basis sort of
14 acting as an advisor or -- and I've talked to
15 him about voting precincts. He's actually
16 handicapped. And if you sit down and talk with
17 those people, and I have for several hours with
18 this guy, you can find out a lot, you know what
19 I mean, about the problems you all have -- I
20 mean, I've learned a lot about their problems,
21 you know, from ramps on the side of concrete to
22 the way the doors open to spaces that they need
23 and all the stuff. And I wanted to say -- I've
24 sat here quiet through all this election thing
25 -- back -- we have an optical scan system, and I

1 really believe that we probably have -- people
2 have more confidence in the system than they
3 probably ever have since I've been alive in
4 Stoddard County from the paper back times to
5 stuff you heard all the stories about election
6 fraud. We hardly ever have any of that. So I
7 have troubles getting election judges. But as
8 far as our election system, I think it works
9 really, really good. I have absolutely -- I am
10 absolutely concerned about this new law messing
11 us up. God help us. I'm just worried about how
12 we're going to deal with it. As far as I'm
13 concerned, we have a really good legislative
14 process. We've done the recounts and have full
15 confidence in the machine. I know that I -- I'm
16 just concerned about creating these problems.
17 Anyway, that's two different things, and I --
18 I'll shut up. MR. POWER: Thanks,
19 Don. MR. HENSLEY: Can I say
20 something? I'm Gary Hensley from Oregon County.
21 On the handicap, I know I'm a small county, but
22 that's something that -- I have a handicapped
23 daughter. I served on the Senate Bill 44 for
24 many years. My wife still serves on it. She's
25 served on the board. And that is something we

1 stress very heavy since I'm the county clerk
2 that our sheltered workshop and our places that
3 I see to it that at -- ASMPs bus is going
4 around. This gentleman I talk with, he calls my
5 office, and I make sure this man is there to
6 vote. And I even call him on election day to
7 make sure that he -- I know I'm a small county
8 and you big counties cannot do that. But if
9 there is a certain amount of limit of funds or
10 certain amount of limits that a county clerk can
11 do -- maybe I'll take it a little deeper because
12 I do have a handicapped child and she does vote
13 every time.

14 She's not missed since she was 18 years old that
15 I know of. My wife won't let me take her
16 because she says I influence her. But anyway,
17 we do stress all that. But we can only do so
18 much. The organization or wherever, if they're
19 in support of building complexes or wherever
20 they're at, that's -- their coordinator is going
21 to have to take care of a certain amount of
22 that. No amount of how much money we get -- you
23 know, how much -- how much for transportation or
24 anything else, we cannot get there unless their
25 overseers are taking care of that situation.

1 MS. COLEMAN: Right. And I agree
2 with that. I mean, I wouldn't want to imply
3 that it's your responsibility to do that.
4 Transportation, though, in itself is --
5 certainly is an issue for a lot of people,
6 especially in rural counties such as Oregon --

7 MR. HENSLEY: We've even called and
8 asked if the STMS bus is going to be available
9 that day. And, you know, because I do get
10 calls. I see to it they're where they're at.
11 And I have good workers that will do that. They
12 see that that bus is available.

13 MR. POWERS: And again, this may
14 come back to education, not just to the voters,
15 but to our communities that help provide those
16 types of services. I've had the same
17 conversations with our county transportation
18 systems that we have. And ask, Can your buses
19 stop at the polling places or can they bring
20 them to the courthouse and -- and for absentee
21 voting. And, you know, initially I got a lot of
22 resistance to that. They thought I was being
23 political. I wasn't being political. I was
24 just trying to get people -- people to be able
25 to vote. Just --

1 MR. HENSLEY: That's something I
2 forgot to touch on. You've got to be very
3 careful as an election authority how far you go
4 with that because you will get labeled
5 politically on that issue. Thank you for
6 bringing that up. I meant to say it. And
7 you --

8 MR. POWERS: I've asked the same
9 questions and -- and found it --

10 MS. COLEMAN: Oh, I know. I know.
11 I know.

12 MR. POWERS: Any other comments?

13 MR. WHITE: One other thing. I
14 don't know if everyone else has the same problem
15 but I have like -- we're a township organized
16 county. Some of the rural townships that we
17 have, we really don't have good voting
18 facilities available. We still use the
19 residential homes. And I don't -- they're
20 anything but handicapped accessible. But we
21 have them, we don't have store buildings.
22 There's no tax supported buildings. And you're
23 left to deal with an individual. And I -- we
24 have several residential homes. I know that's
25 not good. But what -- what do you do about that?

1 MS. YORK: Well, that was something
2 I was going to bring up. If we're going to have
3 machines available to help the disabled vote, it
4 really doesn't do any good if they can't get in
5 there.

6 MR. POWERS: Well, I think --

7 MS. YORK: So that maybe where we're
8 going to have to combine these polling places
9 and have those that have the machine and people
10 can get to them.

11 MR. POWERS: I think one of the
12 requirements is that -- that -- that system that
13 we use for -- for the handicapped voting is also
14 portable so they can go to curbside. I think
15 it's one of the requirements, I believe, of that
16 it has to be portable enough they can go to
17 curbside.

18 MR. GARRETT: But that's an
19 important point because --

20 MR. POWERS: Because the issue is
21 about voting in privacy, not about necessarily
22 having access to the polling place as much as
23 having access to voting in privacy. So --

24 MS. YORK: I may be really stupid
25 here, but what's the difference of voting in

1 your car on the machine or voting in your car on
2 the paper, except for the visually impaired, I
3 assume?

4 MR. POWERS: Yeah. I think that
5 the difference is -- is there --

6 MS. YORK: You were going to ask the
7 same question?

8 MR. POWERS: We're going to the very
9 extreme of -- there is system sense for
10 everybody, regardless of handicap.

11 MS. YORK: Right.

12 MR. POWERS: So I think that --

13 MR. ISBELL: I will say this.
14 People on this committee -- and we went through
15 this with Gayla, the same thing that we're going
16 through today with the clerks when they first
17 went through it because -- and I think you guys
18 went through it the first time you went to the
19 federal government, you know, it's just -- you
20 know, there's a lot of things that we can go to
21 the federal government first and talk to them.
22 Limited.

23 MR. POWERS: You've got to
24 understand, some of the -- the people at the
25 federal level believe Wendy is a conservative.

1 So -- I'm sorry. Allen Lutes, Wayne County
2 clerk.

3 MR. LUTES: Along with that comment
4 that you just made there, the federal government
5 didn't listen to us then because we weren't
6 aware of this maybe until he talked to them. I
7 know this is in the law, and, Gayla, I know
8 we're going to have to abide by it, but that's
9 by 2006. We know that they're always rewriting
10 laws and reworking laws. So still yet what
11 we're saying here and dealing with, couldn't we
12 still possibly get them to change the law to fit
13 certain situations, certain counties where we've
14 got some representatives here that work with
15 disabilities who said it possibly will work if
16 we had two or three central locations where they
17 could go and vote but we didn't have to have one
18 of these handicapped accessible in each
19 precinct. Why not make better use of the funds
20 that may be available or not even available?
21 I mean, I know we've got to deal with it now.
22 But can't we work towards that, too, all along
23 statement maybe rewording the law.

24 MR. POWERS: I think each and every
25 one of you have the avenue to go and bring that

1 same point to your federal representative. And
2 -- but that's not the intent of this commission
3 or this -- these committees, because we're
4 having to financers to the mandates that are
5 being given to us. But I think every one of you
6 has that right to go and try to get that type of
7 message out. And I encourage you to do that
8 because you -- if there's enough in comments,
9 maybe -- maybe they will listen. But that's not
10 in the purview of what we're doing here.

11 MR. LUTES: One other comment.
12 Gayla, a while ago you said that education could
13 circumvent the need for punch cards or the
14 second chance voting. Does that cover optical
15 scan or optical scan subject to second chance
16 voting?

17 MS. VANDELICHT: Yes. I hate to use
18 the work circumvent. Somehow -- that would
19 apply with any kind of voting, whether it be
20 optical scan or punch card if the voter is
21 educated in what an undervote is and what an
22 overvote is. You know, we all know that some
23 people undervote and overvote on purpose.
24 Having those automatic readers, those readers in
25 the precincts has proven to be a problem because

1 when the card goes in, you know, red lights
2 start flashing. Some states have had voters
3 complain that they're being made to look stupid
4 in front of other voters when it may have been
5 their intent to not vote in a particular race.
6 So education could work for both optical scan
7 and punch card.

8 MR. POWERS: That wasn't the mandate
9 of --

10 MS. VANDELICHT: What?

11 MR. POWERS: That wasn't the mandate
12 that followed -- not making -- any other
13 comments?

14 MR. HENSLEY: One other thing.
15 We're having trouble getting elections judges
16 with all this going on, it sounds to me.

17 MR. FORRESTER: Let me say that is
18 one of the things that this legislation deals
19 with is trying to bring younger folks in, and I
20 think I alluded to earlier that, you know, we're
21 trying to layout some guidelines that maybe will
22 reach out either to older high school kids that
23 are -- that are 18 or to some college kids for
24 no those two have either community college or
25 university in their -- in their communities.

1 So, I mean, there is some effort there, and I
2 think it's been said at a lot of public hearing
3 that the average age of election judge is about
4 70. So I think people are aware it's an issue,
5 and it's something this legislation is trying to
6 address.

7 MR. POWERS: Well, Becky's
8 absolutely right when she was talking about the
9 other cost behind this initial cost. And, I
10 mean -- because if we program some type of
11 device that audibly speaks to you, somebody has
12 to create that wave file. And if you have 84
13 different splits or whatever, somebody's got to
14 program each one of those different ballot
15 styles that you have. So, it is a lot.

16 MS. YORK: Well, right. You have 84
17 different recordings because if you're --
18 different ballot styles.

19 MR. POWERS: Do you have a closing
20 comment?

21 MR. DUNIVAN: If you guys would
22 indulge, me and this has nothing do with this
23 meeting, I've got the assessor from Butler
24 County here, he's the president of the
25 assessor's -- past president. And he's got a

1 bill that he is really concerned about. And if
2 you'll give him about three minutes after the
3 meeting --

4 MR. POWERS: After this is over.
5 Okay.

6 MR. DUNIVAN: Right.

7 MR. POWERS: Are there any other
8 comments before we do this?

9 MS. VANDELICHT: If I could just say
10 on behalf of Matt and I, he had to leave early,
11 but we'd like to thank you all for coming and
12 participating. All of the testimony today will
13 be given to the State Plan Committee as a whole,
14 and everyone will have a chance to look at the
15 testimony today.

16 MR. POWERS: Thank you. We'll
17 conclude this session.

18 (The proceedings were concluded at
19 3:40 p.m. on March 27, 2003.)
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REPORTER'S CERTIFICATE

STATE OF MISSOURI)

) ss .

COUNTY OF OSAGE)

I, Monnie S. VanZant, certified Shorthand Reporter, Certified Court Reporter #0538, and Registered Professional Reporter, and Notary Public, within and for the State of Missouri, do hereby certify that I was personally present at the proceedings as set forth in the caption sheet hereof; that I then and there took down in stenotype the proceedings had at said time and was thereafter transcribed by me, and is fully and accurately set forth in the preceding pages.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal on April 14, 2003.

Monnie S. VanZant, CSR, CCR #0539
Registered Professional Reporter